

Notice of Allowability

Application No.

10/669,706

Examiner

Tu T. Nguyen

Applicant(s)

ISOZAKI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/24/2004.
2. ☒ The allowed claim(s) is/are 25-32.
3. ☒ The drawings filed on 25 September 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/789,699.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Phillip Articola on 08/24/2004.

The application has been amended as follows:

- 1) Claim 25, line 15, change "an inspection object" to – inspection --.
- 2) Claim 25, line 17, change "an inspection object" to – the inspection --.
- 3) Claim 26, line 14, change "an inspection object" to – the inspection object --.
- 4) Claim 29, line 16, change "an inspection object" to – the inspection object --.
- 5) Claim 30, line 14, change "an inspection object" to – the inspection object --.

6) Replace claims 27,31 with the following:

27. (Currently Amended) A surface inspection apparatus according to claim 25, wherein the signal forming section for forming ~~data of scattered strength and detection size of~~ forms foreign matter ~~as a measuring data of foreign matters, which contained in a~~ on the basis of the light receiving signal of low sensitivity side scattered data ~~to have been regarded to have coincided with the coordinate of a saturated high sensitivity side scattered data are registered in data as the scattered strength and~~

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~~detection size of the measuring signal in coordinate thereof, when the foreign matter signal detected by the light receiving signal that is higher in sensitivity out of the first light receiving signal and the second light receiving signal is saturated.~~

31. (Currently Amended) A surface inspection apparatus according to claim 30, wherein the signal forming means ~~for forming data of scattered strength and detection size of~~ forms foreign matter as the measuring signal of foreign matters, which ~~contained in a~~ on the basis of the light receiving signal of low sensitivity side scattered data to have been regarded to have coincided with coordinate of the saturated high sensitivity side scattered data are registered in data as a scattered strength and detection size of the measuring signal in coordinate thereof, when the foreign matter signal detected by the light receiving signal that is higher in sensitivity out of the first light receiving signal and the second light receiving signal is saturated.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Prior arts of record does not disclose a signal forming section for forming a measuring signal on the basis of the first light receiving signal and the second light receiving signal, wherein the first light receiving section and the second light receiving section respectively form the first light receiving signal and the second light receiving signal which are different in sensitivity or dynamic range from each other, wherein, in case that data of foreign matter of the first light receiving signal and data of foreign matter of the second light receiving signal exist in a predetermined range, the signal forming section forms data of foreign matter as same foreign matter on the basis of the first light receiving signal and the second light receiving signal as disclosed in claims 25,26,29,30.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T. Nguyen whose telephone number is (571) 272-2424. The examiner can normally be reached on T-F 7:30-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley Jr. can be reached on (571) 272-2800 Ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tu T. Nguyen
Primary Examiner
Art Unit 2877

09/03/2004